

APR. 30. 2003 1:00PM

NO. 562 P. 1

DT16 Rec'd PCT/PTO 30 APR 2003

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PTO/SB/21 (08-00)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/980,463
	Filing Date	June 17, 2002
	First Named Inventor	Johnson
	Group Art Unit	1712
	Examiner Name	Unknown
Total Number of Pages in This Submission	Attorney Docket Number	55.0206PCT

#9
07/05/03
DS

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): Request to Correct Filing Receipt -Copy of Filing Receipt -Copy of "Decision on Petition under 37 CFR 1.47(a)"
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Thomas O. Mitchell
Signature	<i>Thomas O. Mitchell</i>
Date	April 30, 2003

CERTIFICATE OF FACSIMILE	
I hereby certify that this correspondence is being sent via Facsimile to: Commissioner for Patents, Washington, DC 20231 on: April 30, 2003	
Typed or printed name	Yvonne Loftin
Signature	<i>Yvonne Loftin</i>
Date	April 30, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. This will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Received from < > at 4/30/03 3:05:45 PM [Eastern Daylight Time]

APR. 30. 2003 1:00PM

NO. 562 P. 2

Thomas O. Mitchell
Intellectual Property Department
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Schlumberger

April 29, 2003

VIA FACSIMILE: 703-746-9195

Office of Initial Patent Examination's Filing Receipt Corrections
Assistant Commissioner for Patent
Washington, D.C. 20231

RE: Application No. 09/980,463
Filing Date: June 17, 2002

Dear Sir:

We hereby request that the filing receipt (copy enclosed) be corrected to also show that Kamal Arsanious and Allen R. Toney are inventors in addition to Les Johnson, Patrick Murphy, and David Quinn of this patent application.

Also, attached is the "Decision on Petition Under 37 CFR 1.47(a)" which was granted due to the fact that we could not provide a signed declaration and power of attorney from Allen R. Toney despite numerous attempts.

Sincerely,



Thomas O. Mitchell
Reg. No. 47,800
Agent for the Applicant

507

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



Communications for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/980,463	Les Johnson	55.0206PCT
		INTERNATIONAL APPLICATION NO.
		PCT/EP99/03946
		IA. FILING DATE
		PRIORITY DATE
		06/03/1999

23718
SCHLUMBERGER OILFIELD SERVICES
333 CHURCHMAN AVE.

23718
SCHLUMBERGER OILFIELD SERVICES
200 GILLINGHAM LANE
MD 200-9
SUGAR LAND, TX 77478

Date Mailed: 04/18/2003

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

<u>06/17/2002</u>	<u>08/17/2002</u>
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF RECEIPT OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE. *The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363).* Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 11/29/2001
- Copy of the International Search Report filed on 11/29/2001
- Copy of IPE Report filed on 11/29/2001
- Preliminary Amendments filed on 11/29/2001
- Oath or Declaration filed on 06/17/2002
- Request for Immediate Examination filed on 11/29/2001
- Copy of references cited in ISR filed on 11/29/2001.
- U.S. Basic National Fees filed on 11/29/2001
- Assignee Statement filed on 06/17/2002

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Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

DEBORAH D WILLIAMS
Telephone: (703) 305-3744

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EQ/903 (371 Acceptance Notice)



16 APR 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Schlumberger Technology Corporation
IP Dept., Well Stimulation
110 Schlumberger Drive, MD1
Sugar Land, TX 77478

In re Application of JOHNSON et al.	:
Application No.: 09/980,463	:
PCT No.: PCT/EP99/03946	:
Int. Filing: 03 June 1999	:
Priority Date: None	: DECISION ON PETITION
Attorney Docket No.: 55.0206PCT	: UNDER 37 CFR 1.47(a)
For: SHEAR-SENSITIVE PLUGGING FLUID	:
FOR PLUGGING AND A METHOD FOR	:
PLUGGING A SUBTERRANEAN	:
FORMATION ZONE	:

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 11 December 2002.

BACKGROUND

On 17 June 2002, in response to the Notification of Missing Requirements mailed on 08 January 2002, applicant filed a petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4). The petition requested the acceptance of the application without the signatures of inventors, Kamal Arsanious and Allen R. Toney. The petition included the requisite petition fee, a declaration signed by the 37 CFR 1.47(a) applicant, Les Johnson, David Quinn and Patrick Murphy on behalf of Kamal Arsanious and Allen R. Toney and a statement of facts under 37 CFR 1.47(a).

On 11 October 2002, a decision dismissing the petition was mailed to applicant indicating that applicant had not provided sufficient factual proof that the non-signing joint inventors refused to execute the application or could not be reached after diligent effort. On 11 December 2002, applicant filed the instant renewed petition accompanied by a declaration executed by previous nonsigning inventor Kamal Arsanious. Applicant continues to allege that Allen R. Toney is uncooperative and that his conduct constitutes a refusal to sign.

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DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Items (1), (3) and (4) have been previously satisfied. With regard to Item (2), when it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which the conclusion is based should be stated in a statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or any statement of facts, such evidence should be submitted.

With the petition, petitioner provided a statement from Carmen Delgado, dated 03 December 2002, which explains that she sent copies of the specification and claims for the present application to inventor Toney when she sent (1) a copy of the International Application PCT/EP99/03926 on 16 June 1999 and (2) a copy of the publication of this application on 28 December 2000. Ms. Delgado concludes that Mr. Toney was already in possession of a copy of the specification and claims when she sent letters on 18 December 2001, 17 January 2002 and 12 February 2002 "requesting [his] signature on the application documents". Ms. Delgado further confirms that a copy of the declaration was sent to inventor Toney with her letter sent on 12 February 2002. Mr. Toney signed for the documents delivered on 21 February 2002 as indicated by the postal delivery notice included with the petition.

In addition, counsel states that he spoke to Mr. Toney by telephone on two occasions, 03 May and 09 May 2002 at which time Mr. Toney stated that he would sign and send the forms to counsel. As of the date of the petition, these documents were not returned to counsel. Under these circumstances, it can now be concluded that Mr. Toney's conduct and uncooperativeness constitutes his refusal to sign the application.

The evidence submitted now supports a finding that the nonsigning inventor by his conduct refuses to sign the application for the reasons set forth above. Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is GRANTED.

The U.S. Designated/Elected Office is authorized to accept the application as a 37 CFR 1.47(a) application using the declarations filed 17 June 2002 and 11 December 2002 and to mail a filing receipt. The application has an international filing date of 03 June 1999 under 35 U.S.C. 363, and a date of 11 December 2002 under 35 U.S.C. 371(c).

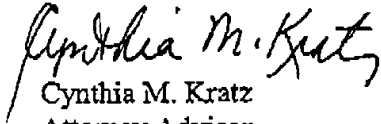
As provided in 37 CFR 1.47(a), a notice of the filing of this application will be

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forwarded to the non-signing inventor at his last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.



Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

CMK:cmk
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